

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

ARCELIA MUNIZ, EVENCIO GARCIA  
and AGUSTIN GARCIA GONZALEZ

PLAINTIFFS

V.

Case No. 07-CV-1073

PITTMAN PROPERTIES LIMITED PARTNERSHIP #1;  
D&M PITTMAN, INCORPORATED;  
DAWOOD AYDANI; MICKEY H. PITTMAN and  
PITTMAN NURSERY CORPORATION

DEFENDANTS

**ORDER**

Before the Court is Plaintiffs' Unopposed Motion to Dismiss Separate Defendants from Certain Causes of Action. (Doc. 148). Plaintiffs ask the Court to dismiss certain causes of action against Separate Defendants.<sup>1</sup> Upon consideration, the Court finds that Plaintiffs' Unopposed Motion to Dismiss Separate Defendants from Certain Causes of Action should be and hereby is **GRANTED IN PART** and **DENIED IN PART**. Any claims against Separate Defendants that are based upon alleged violations of the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, are **DISMISSED WITHOUT PREJUDICE**.<sup>2</sup>

It appears from Plaintiffs' motion that Plaintiffs' intent is to also dismiss certain other causes of action against Separate Defendants. However, the Court is unclear as to which causes of action

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<sup>1</sup>In this Order, "Separate Defendants" refers to Pittman Properties Limited Partnership #1, D&M Pittman, Inc., and Mickey H. Pittman Ketchum.

<sup>2</sup>These claims are found in paragraph VII of Plaintiffs' Second Amended Complaint (Doc. 132).

Plaintiffs are referring. Thus, Plaintiffs' request to dismiss any other causes of action against Separate Defendants is **DENIED**. If Plaintiffs wish to dismiss any other causes of actions against Separate Defendants, Plaintiffs are directed to file a motion that makes clear to the Court which causes of action they wish to dismiss.

**IT IS SO ORDERED**, this 6th day of July, 2010.

/s/ Harry F. Barnes  
Hon. Harry F. Barnes  
United States District Judge